

2956

## UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

David Christian, et. al.

Plaintiff

v.

Swallows Produce, Inc. and Jacky R. Swallows

Defendant, Third-party plaintiff

Two Brothers Farm of Georgia, Inc., a/k/a Two

Brothers Farm, Inc. and Michel D. Germain

Third-party defendant

Civil Action No. 2:11cv0082

## ALIAS SUMMONS

## SUMMONS ON A THIRD-PARTY COMPLAINT

2-7-12  
130  
cd  
#1768

To: (Third-party defendant's name and address) Two Brothers Farm of Georgia, Inc. a/k/a Two Brothers Farm, Inc.  
C/O Michel D. Germain  
853 N.W. 110 St.  
Miami, FL 33168

A lawsuit has been filed against defendant Two Brothers Farm of Georgia, Inc. a/k/a Two Brothers Farm, Inc., who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Swallows Produce, Inc. and Jacky R. Swallows.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

C. Eric Stevens, Littler Mendelson, P.C., 3200 West End Avenue, Suite 500, Nashville, TN 37203

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:  
Melody Fowler-Green, Southern Migrant Legal Services, 311 Plus Park Boulevard, Suite 135, Nashville, Tennessee, 37217 and Gregory S. Schell, Migrant Farmworkers Justice Project, 508 Lucern Avenue, Lake Worth, Florida, 33460-3349

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: JAN 26 2012

KEITH THROCKMORTON

CLERK OF COURT

Althea Straughter  
Signature of Clerk or Deputy Clerk

RETURN COPY

Civil Action No. 2:11cv0082

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Two Brothers Farm of Georgia, Inc. a/k/a  
Two Brothers Farm, Inc. C/O Michel D. Germain  
was received by me on *(date)* Feb. 1, 2012.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Paul Marc Germain, who is  
designated by law to accept service of process on behalf of *(name of organization)* Two Brothers Farm of  
Georgia, Inc. a/k/a Two Brothers Farm,  
C/O Michel D. Germain on *(date)* Feb. 7, 2012; or @ 1:30 pm

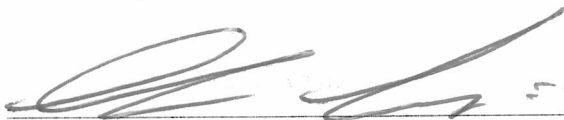
☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: Feb. 9, 2012



*Server's signature*

Carlos Cruz, CPS, 1788

*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing has been served via the Court's ECF Mail System upon the following:

Melody Fowler-Green  
Southern Migrant Legal Services  
311 Plus Park Blvd. Ste 135  
Nashville, TN 37217  
Phone: 615-750-1200  
Fax: 615-366-3349  
[mfgreen@trla.org](mailto:mfgreen@trla.org)

Gregory S. Schell  
Migrant Farmworker Justice Project  
508 Lucerne Avenue  
Lake Worth, FL 33460-3819  
Phone: 561-582-3921  
Fax: 561-582-4881  
[Greg@Floridalegal.org](mailto:Greg@Floridalegal.org)

on this the 15th day of February, 2012.

s/ C. Eric Stevens  
\_\_\_\_\_  
C. Eric Stevens

Firmwide:109078681.1 069208.1001